

U.S. Patent Application No. 10/776,970  
Amendment dated April 28, 2006  
Response to Final Office Action dated January 31, 2006

**REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what the applicants regard as the invention. Claims 20, 25, and 32 have been canceled. New claim 36 has been added and is similar to claim 14, wherein "a second enzyme comprising at least one of a cholesterol dehydrogenase and a cholesterol oxidase" is recited, and the term "Reagents" instead of "Reagent set" is recited. Thus, full support for this amendment can be found for example, in claim 14, and throughout the present application. Therefore, no new questions of patentability should arise nor does the amendment necessitate any further searching on part of the Examiner. Further, the amendment places the application in condition for allowance. At a minimum, the amendment places the application in better condition for appeal. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

**Rejection of claims 14 - 35 under 35 U.S.C. §112, second paragraph**

At page 2 of the Office Action, the Examiner rejected claims 14-35 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner stated that the claims have been amended from "kit" claims to claims reciting a "reagent set," but the Examiner alleged that the "reagent set" is indefinite as presented because it is unclear as to what may be intended beyond a reagent or composition of some sort. The Examiner further stated that the term "set" as set forth is not standard terminology where no set is seen. For the following reasons, this rejection is respectfully traversed.

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MSN Encarta® Dictionary defines “set” as “a collection of objects.” The Oxford American Dictionary (1999) defines “set” as “a collection or a group.” Although the term “set” is not literally recited in the present application, it clearly discloses reagent sets. The reagent sets are recited in the present application as designated reagent identifiers, i.e., Reagent 1-a, Reagent 1-b, Reagent 1-c, and Reagent 2, for example, on pages 17 and 18, for Example 1. Each of these designated reagent sets or groups comprises 4 to 6 specific components at a specific concentration or pH. Reagents 1-a, 1-b, 1-c, and 2 together make up another larger set/group. Examples 2-3 on pages 18-25 also provide other reagent sets/groups, each comprising specified components and each using a specific reagent identifier such as, Reagent A-2, comprising a buffer solution at a pH of 8.5, CE (derived from *Pseudomonas*) at a concentration of 3.0 U/mL, nonion A-10R at a concentration of 0.5%, and sodium deoxycholate at a concentration of 8.0 mmol/L. Further reagent sets are disclosed throughout pages 17-25 of the present application.

Thus, the term “sets” as recited in the claims is clearly disclosed and expressed in the specification within the definitions as universally recognized in dictionaries for the English language. If applicants were to recite a specific internal designation of the claimed groups/sets of reagents such as “Reagents A-2” in the claim language, such language can be considered indefinite by an Examiner. The applicants respectfully request that the Examiner provide an alternative language if the Examiner maintains this rejection. Therefore, this rejection should be withdrawn.

## **CONCLUSION**

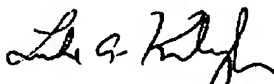
In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge

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the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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